

MERRICK COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

January 1, 2009- December 31, 2011

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I. Community Team Section:

The Merrick County team that was used for the Juvenile Comprehensive planning effort was the LB1184 team that only meets quarterly. A new team, has been formed with some of the same individuals, will be taking over this plan. This team is called PINT. LB1184 was contacted regarding the re-writing of the Comprehensive plan in the Fall of 2008. The team seemed unfamiliar with this "plan" that is why the newly formed PINT Team will take on the plan in the future. The old meeting information was used with additional information gathered by the Diversion Coordinator to format the 2009-2011 plan. This plan will be one of the first goals on the agenda to address. If any changes are made due to the input from the team, those changes will be submitted in the future.

OLD TEAM: LB1184

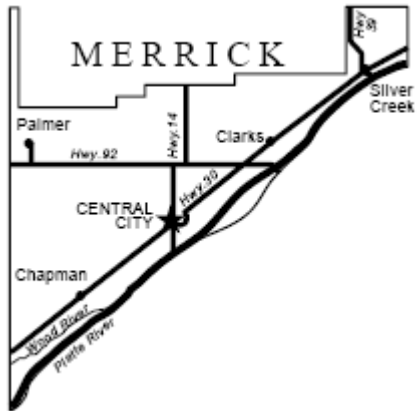
NAME	TITLE	ADDRESS	TELEPHONE
Steven M Curry	County Attorney	1615 17 th Ave; Central City, NE 68826	308 946-3861
Dennis Wagner	Chief of Police	1616 16 th Ave Central City, NE 68826	308 946-3003
Deb Anderson	School Counselor	1510 28 th Street Central City, NE 68826	308 946-3086
Kristy Clark	School Counselor	2815 17 th Street Central City, NE 68826	308 946-3056
KaCee Zimmerman	HHS	205 ½ W 1 st Street Central City, NE 68826	308 385-6123
Sara Cline	Probation	PO Box 27 Central City, NE 68826	308 946-2094
Renee Peterson	Diversion Coord	PO Box 147 Central City, NE 68826	308 946-3861

New Team: PINT

NAME	TITLE	ADDRESS	TELEPHONE
Steven M Curry	County Attorney	1615 17 th Ave; Central City, NE 68826	308 946-3861
Kevin Campbell	Police Department	1616 16 th Ave Central City, NE 68826	308 946-3003
Paul Beyer	Sheriff Department	1821 16 th Ave Central City, NE 688261	308 946-2345
Rahn Vander Hamm	Chapman Public School	1003 Cady Street Chapman, NE 68827	308 946-2215
Deb Anderson	School Counselor	1510 28 th Street Central City, NE 68826	308 946-3086
Kristy Clark	School Counselor	2815 17 th Ave Central City, NE 68826	308 946-3056
Sara Cline	Probation	1510 18 th Street PO Box 27 Central City, NE 68826	308 946-2094
Renee Peterson	Diversion Coord	1510 18 th Street PO Box 147 Central City, NE 68826	308 946-3861

II. Juvenile Justice System Analysis tool:
See APPENDIX A

III. Community Socio-Economics:



Total Population as of (2003): 8,134

- **County Seat:** [Central City](#)
- **Towns and Population (2003):** Central City, 2,946; Chapman, 337; [Clarks](#), 349; [Palmer](#), 456; [Silver Creek](#), 432.
- **Public School Districts:** [Central City Public Schools](#), Central City; [Chapman Public Schools](#), Chapman; [Palmer Public Schools](#), Palmer; Silver Creek Public Schools, Silver Creek.
- **Private School Districts:** Nebraska Christian Schools, Central City; Zion Lutheran Elementary School, St. Libory.

Natural resources include the Platte River, which provides recreational hunting, swimming, and jeeping, Bader Park has a small lake, walking trails and campground, and many historical sites to visit. Some communities have swimming pools, parks with courts for volleyball, basketball, or tennis. Central City has an indoor facility for swimming, sporting, and exercise.

Population is slowly going down in number and is 98% white, non-Hispanic. 23.4%% of the population is juveniles age 6-18 19 % is 65 +.

The main economy is farming with some businesses within and around each community. The average commute for non-farm employees is 20 minutes.

There are many community-based programs available in Merrick County such as Team Mates, Big Brothers/Big Sisters, MAPS (Meth & Addictions Prevention Service), 4-H, Girls and Boys Scouts, churches and youth organizations, sporting clubs, UNL Extension, CNCS, and Family Support etc.

There is a well-established Diversion Program available in Merrick County, Probation, Sheriff and Police Department, County and Deputy County Attorneys.

Source: <http://www.merrickcounty.ne.gov/about.html>

IV. Identified Priority Areas:

a. **Priority #1 in Merrick County is the continuance of the Diversion Program with an emphasis on drug and alcohol accountability.**

The Diversion Program has done many things to improve the reporting of juvenile offenses. YLS/CMI, Case Management and reporting is done quarterly. The program has had an impact on the cases in court as seen in the statistical graph. The number of cases filed in court have continued going down since 2004. Diversion is seeing an increased in "drug" and "alcohol" activity amongst the diversion participants; therefore, a good educational plan needs put in place to deal with these issues. Research done throughout the United States clearly shows that earlier intervention will reduce court cases and recidivism as well.

b. **Priority#2 Electronic Monitoring needed due to the lack of placement facilities and/or the lack of parental control/supervision.**

This issue has been a priority for pre-adjudication cases due to the lack of placement facilities. Merrick Counties rural placement makes the nearest available facility 100-120 miles away. The prior plan did not clearly show who would be responsible for doing the research therefore it was left undone. Diversion, probation, and parents also see a need for electronic monitoring, due to lack of parental control and or time availability to supervise youth. Research, started by the Diversion Coordinator, but not completed will be a task completed by the fall of 2009. Cost may be a factor involved so other solutions may need considered as well. It may be possible if the county court, probation, and diversion share the expense, as well as charging the participants.

c. **Priority #3 is to continue improving communication and collaborative efforts with law enforcement, county attorneys, probation, diversion, and schools.**

Although communication has improved amongst the group, efforts have been lacking in implementing collaborative programs due in part to the lack of leadership. A new team has been put together by the probation, diversion, school and law enforcement individuals called "PINT" (Professional Informational Networking Team) to help law enforcement, county attorneys, probation, diversion and schools plan and implement collaborative efforts to reduce alcohol and drug use. This group has met with the understanding that it is to be pro-active in its solutions rather than re-active.

- d. **Priority #4 is to help the part time County Attorney using the Diversion Coordinator to act as liaison in the community and schools of Merrick County.**

Great efforts have been made in this area, but continued effort and more face-to-face encounters will maximize the benefits to the juveniles

V. Strategies:

- a. **Prioriity #1 in Merrick County is the continuance of the Diversion Program with emphasis on alcohol and drug accountability.**

1. Drug tests are currently administered upon intake and throughout the contract for those who fail the intake screen. More drug screens will be implemented throughout the diversion contract by the diversion officer/coordinator to those who pass the screen upon intake on a random basis or as information is available of possible use.
2. The Diversion Program will make drug Test Kits available to parents by diversion, through brochures, the schools monthly newsletter, and newspaper so kids are held more accountable.
3. Alcohol/Drug educational material is being researched and will be purchased and implemented with 2009-2010 State County Aid Grant funds in the Diversion Program. Diversion participants who test positive or indicate alcohol/drug use will attend weekly one on one meetings with the Diversion Coordinator or Officer using the materials purchased. The Central Nebraska Council on Alcoholism and Addictions is meeting with Diversion to help put drug and alcohol educational classes in place the Spring of 2009. Classes will be implemented as soon as possible, no later than the Fall of 2009. An additional person will be hired to help implement this strategy.
4. The Character Counts Program promoted by Juvenile Services and Diversion Program is one way that the community is being educated prior to intervention services being required.

- b. **Priority #2 Electronic Monitoring needed due to the lack of placement facilities and/or the lack of parental control/supervision.**

1. Diversion Coordinator will finish research and bring it to the PINT Team for a final decision by the end of 2008/2009

Fiscal year or a new solution must be discussed and amend the County Comprehensive Plan.

c. **Priority #3 Communication and collaborative efforts with law enforcement, county attorneys, probation, diversion and schools**

1. Monthly PINT meetings will continue to be implemented. Diversion Coordinator will act as the chair until the group has had a chance to organize and choose a leader.
2. Due to the lag time of "reports" being delivered from one program to the next, a technological system of communication use will be established by PINT. This internet system will be a "password" access only for confidentiality. This way pertinent information for ongoing cases may be communicated on a daily basis. This system should be implemented by the end of the 2008/2009 fiscal year.

d. **Priority #4 The part time County Attorney needs the continued use of Diversion Coordinator to act as liaison with law enforcement, victims, providers, other agencies in the community and schools.**

1. Diversion Coordinator will schedule regular monthly visits to all communities in the county. Diversion will hire a part time person to help with time constraint.
2. The team PINT will aid in communicating case information.
3. PINT will also help all groups understand how each agency operates and affects other agencies by teaching each other's procedures and policies. By discussing these procedures, we may find ways to improve upon how the system works.

APPENDIX A

Community Planning Decision Point Analysis for Merrick County

Gender & Ethnicity	Total Population		Total Juvenile Population	
	Number	% of total#	Number	% of total #
Male	3801	49.4%	911	50.6%
Female	3889	50.6%	890	49.4%
White	7621	99.1%	1765	98.7%
Black	26	.3%	12	.07%
American Indian and Alaska Native	22	.3%	12	.07%
Asian	21	.3%	12	.07%
Total	7690	100%	1801	100%
Ethnicity:				
Hispanic or Latino	210	2.7%	77	4.3%
Not Hispanic or Latino	7480	93.7%	1724	95.7%

Source of data: Puzzanchera, C., Sladky, A., and Kang, W. (2008) "Easy Access to Juvenile Populations: 1990-2007." Online at <http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/> using the year 2007.

Merrick County Juveniles 18 & under	2000	2001	2002	2003	2004	2005	2006	2007	2008
Waived to Major Court	1	0	0	0	0	0	0	0	0
Dismissed	10	18	5	0	14	7	8	2	8
Dismissed w/ warning	0	1	3	1	0	1	0	2	1
Formal Probation	25	15	17	8	13	17	21	12	11
Referred to other Agency	0	5	2	2	12	10	10	9	13
Transferred YRTC	2	0	2	0	1	1	2	1	0
Transferred Public Agency	3	5	2	6	9	7	3	0	0
Other/Unknown	8	7	3	2	2	4	0	2	0
YEAR TOTAL	49	51	34	19	51	47	44	28	33
Diversion*	N/A	N/A	N/A	N/A	33	17	08	32	42

Nebraska Commission on Law Enforcement and Criminal Justice

http://www.ncc.state.ne.us/statistics/data_search/jcr/jcrosstab.phtml Nebraska Juvenile Court Report Query Results for Year vs Disposition for Merrick County; April 24, 2009

*Merrick County Juvenile Diversion Records for 2000 thru 2008

System Decision Point: Arrest/Citation: Police/Law Enforcement

Decision: *Should an information report be filed, or what offense, if any, should juvenile be cited with or arrested for?*

Formal Determining Factors

- Sufficient factual basis to believe an offense was committed

Informal Determining Factors

- Youth's prior incidences with law enforcement
- Underlying support for a particular Offense*

Decision: *Should the juvenile be cited or arrested as a juvenile or adult offense?*

Formal Determining Factors

- Seriousness of offense
- Age

Informal Determining Factors

- Law enforcement cites and leaves the juvenile or adult charge decision to the County Attorney
- Schools have drug/alcohol offense Policy**
- Availability of detention facilities***

Decision: *Should the juvenile be taken into custody or be cited and released?*

(NRS § 43-248(1), (2); § 43-250(1), (2), (3))

Formal Determining Factors

- As stated in statute

Informal Determining Factors

- Seriousness of perceived offense
- Felony cases take juvenile into custody, booked, and processed accordingly
- Immediate risk to juvenile
- Immediate/short term risk to public
- Extent to which parent or other appropriate adult is available to take responsibility for the juvenile***
- Availability of detention facilities***

Problems: *Communication breakdown between law enforcement and County Attorney causes doubt that cases will be “prosecuted.”

**Important Schools and Law Enforcement communicate so juveniles are held appropriately accountable.

***Availability of facilities can be an issue.

Solution: *Communication efforts to understand each others purpose and function to interpret and uphold the law is needed.

**Juvenile given consequences by the school system need to be communicated to law enforcement who then cooperate with the school system with reports and further collaboration with both the schools and County Attorney regarding further consequences will address the situation of the juvenile.

*** Alternative procedures to facility detentions, such as ankle bracelets, should be researched.

System Decision Point: Initial Detention: State of Nebraska Probation

Decision: *Should the juvenile be detained or released?*

Formal Determining Factors

- Risk assessment outcome
- Accessibility of placement options: parent's/guardians, emergency shelter, staff secure facility, secure detention facility

Informal Determining Factors

- The county has a contract with Lancaster County for secure detentions
- HHS will use Boys Town for their shelter (short term)in Grand Island

Problem: Since Mid-Plains closed their staff-secure shelter in Grand Island, there are very few options for non-secure placements for detention without a significant amount of cost and travel involved.

Solution: Research possible solutions for alternatives to detention with minimal costs involved such as ankle bracelets.

System Decision Point: Charge Juvenile: County Attorney

Decision: *Should juvenile be prosecuted?*

Formal Determining Factors

- Likelihood of successful prosecution
- Factors under NRS § 43-276

Informal Determining Factors

- County Attorney has a diversion program in place-all first time MIP, shopliftings, curfew violations, & minor incidents are referred to the diversion program.
- Truancy reported by the schools has been a problem in the high school. Diversion is acting as a liaison between schools and county attorney at this time. An early intervention program is being researched to implement with the truancy at risk students.

Decision: *Should the juvenile be prosecuted as a juvenile or adult?*

Formal Determining Factors

- Seriousness of offense
- Age

Informal Determining Factors

- Family status
- Prior record*

Problem: *County Attorney is allowing juveniles multiple opportunities for diversion causing a lack of trust between law enforcement and attorney's office.

Solution: *County Attorney needs to develop a clearer acceptance policy for the diversion program and better communication with the law enforcement will improve the relationship between agencies. Diversion Coordinator having been established as a liaison between County Attorney and Law Enforcement could promote this effort.

System Decision Point: Pre-adjudication detention: Juvenile Court Judge

Decision: *Should the juvenile be detained at the time of citation/arrest, continue in detention, or out-of-home placement pending adjudication?*

Formal Determining Factors

- Whether there is an "immediate and urgent necessity for the protection of such juvenile"
- Whether there is an "immediate and the person or property of another"
- Whether the juvenile is likely to flee the jurisdiction of the court

Informal Determining Factors

- Due to budgetary restraints, secure detention is used as a last resort which leads to more community based placements. At times there are not enough of these placements.

Problem: *Not enough funds or resources.

Solution: *Funds could be raised and set aside for this particular use. Look for alternative placements.

System Decision Point: Probable Cause Hearing: Juvenile Court Judge

Decision: *Can the State show probable cause exist that the juvenile is within the jurisdiction of the court?*

Formal Determining Factors

- As stated in statute

Informal Determining Factors

- No factors discussed

System Decision Point: Competency Evaluation: Juvenile Court Judge

Decision: *Is the juvenile competent to participate in the proceedings?*

Formal Determining Factors

- As stated in statute

Informal Determining Factors

- Merrick Co. files competency evaluations very rarely.

- If an evaluation is needed, the juvenile is transported to Richard Young in Kearney

Decision: *Is the juvenile "responsible" for his/her acts?*

Formal Determining Factors

- "Complete evaluation of the juvenile including any authorized area of inquiry requested by the court."
- Opinion of physician, surgeon, psychiatrist, community mental health program, psychologist

Informal Determining Factors

- No factors were discussed

System Decision Point: Adjudication: Juvenile Court Judge

Decision: *Is the juvenile, beyond a reasonable doubt, "a person described by § 43-247"*

Formal Determining Factors

- Legal sufficiency of evidence presented during adjudication hearing
- Whether juvenile admits the allegations of the petition (or, "pleads to the charges")
- Residency
- Age

Informal Determining Factors

- No factors discussed

Decision: *Should the judge order probation to conduct a pre-disposition investigation (statutory authority unclear--see also: § 29-2261(2)***

Formal Determining Factors

- As outlined in statute

Informal Determining Factors

- It has been common practice for a PDI to be ordered on most juvenile cases, however, due to a new judge on the bench this practice has decreased slightly

Problem: *Statute is unclear.

Solution: *Clarity should be rectified.

Decision: *Should the judge order an OJS evaluation?*

Formal Determining Factors

- NRS § 29-2204 (3): "Prior to making a disposition which commits the juvenile to the Office of Juvenile Services, the court shall order the juvenile to be evaluated by the office if the juvenile has not had an evaluation within the past twelve months.

Informal Determining Factors

-OJS evaluations are usually only ordered if a PDI (Pre-Disposition Investigation) is done.
- Most OJS evaluations are community based due to changes by OJS

Decision: *Should the judge order a PDI and an OJS Evaluation?*

Formal Determining Factors

-As outlined in statute

Informal Determining Factors

- Judge will usually order a PDI first with an OJS to follow if more information is needed
-The Judge moved juvenile court cases to Wednesday afternoons after all of the adult cases are completed. In addition, cases were separated based on delinquent/status and abuse/neglect cases to different times during the juvenile court time

System Decision Point: Disposition: Juvenile Court Judge

Decision: *Should the juvenile be placed on probation?*

Formal Determining Factors

- As outlined in statute

Informal Determining Factors

- Most cases are placed on probation
- Judge orders standard terms in cases
Very few cases are individualized orders.

Decision: *Should the juvenile be committed to the Office of Juvenile Services*

Formal Determining Factors

- Whether juvenile is at least twelve years of age

Informal Determining Factors

- Judge will commit juveniles to OJS in most cases based on participation in probation history.

Decision: *Should juvenile be on probation and be committed to HHS or OJS?*

Formal Determining Factors

- As outlined in statute
- No apparent authority for delinquent in the legal custody of parents/guardian

Informal Determining Factors

- Judge does not refer dual placement cases
- Services seem to change from time to time; need to know who is doing what.

Problem: Unclear who is doing what services.

Solution: Education to keep everyone on the same page is needed.

System Decision Point: Administrative Sanctions: Probation

Decision: *Should probation impose administrative sanctions on a probationer?*

Formal Determining Factors

- Probation officers has reasonable cause to believe that probationer has committed or is about to commit a substance abuse violation or a non criminal violation
- Substance abuse violation refers to a positive test for drug or alcohol use, failure to report for such a test or failure to comply with substance abuse evaluations or treatment

Informal Determining Factors

- Probation is using administrative sanctions for juveniles

System Decision Point: Motion To Revoke Probation: County Attorney

Decision: *Should a motion be filed or probation revoked?*

Formal Determining Factors

- As outlined in statute

Informal Determining Factors

- If probation requests a Motion To Revoke then the County Attorney will generally file at that request.*

Problem: * County Attorney feels that probation could be doing more to provide services for clients and is too quick to request a motion to revoke

Solution: *County Attorney and probation need to discuss parameters in which a motion should be requested and considered.

System Decision Point: Modification/Revocation of Probation: Juvenile Court Judge

Decision: *Should the probation be modified or revoked?*

Formal Determining Factors

- As outlined in statute

Informal Determining Factors

- Judge will usually modify an order, but the judge seldom switches the case to another agency.

System Decision Point: Setting Aside Adjudication: Juvenile Court Judge

Decision: *Has the juvenile satisfactorily completed his or her probation and supervision or the treatment program of his or her commitment?*

Formal Determining Factors

- Juvenile's post-adjudication behavior and response to treatment and rehabilitation programs
- Whether setting aside adjudication will depreciate seriousness of juvenile's conduct or promote disrespect for the law
- Whether failure to set aside adjudication may result in disabilities disproportionate to the conduct upon which the adjudication was based

Informal Determining Factors

- Judge will order both determinate and age of majority for duration of cases on probation
- Judge is willing to do unsuccessful termination of case, but County Attorney does not like this practice because he feels that the juvenile is not held as accountable for his/her actions

Decision: *Should the juvenile be discharged from custody and or the supervision of OJS?*

Formal Determining Factors

- Juvenile's post-adjudication behavior and response to treatment and rehabilitation programs
- Whether setting aside adjudication will depreciate seriousness of juvenile's conduct or promote disrespect for the law
- Whether failure to set aside adjudication may result in disabilities disproportionate to the conduct upon which the adjudication was based

Informal Determining Factors

- No discussion

Summary/Recommendations:

1. The Diversion Program should continue to be a priority for Merrick County due to:
 - the programs continued impact on potential cases in court.
 - the Diversion Coordinator running the active Merrick County Youth Council, now called, Merrick Dewers, which is a base to Youth Resources program, a best practices community service project.
 - the Diversion Coordinator acting as a liaison on behalf of the part time county attorney, which benefits his efforts to be more active in dealing with juvenile justice issues throughout the county.
 - Collaborating and successfully implementing a joint Diversion Program with Nance and Polk Counties that is utilizes limited resources yet provides more services.
2. Due to lack of placements for juveniles at the time of detention, it is recommended that Merrick County look into electronic monitoring for pre-adjudication cases. Funding should be found for this service and made available to agencies such as Law Enforcement, Diversion, Probation and HHS/OJS..
3. Law enforcement, County Attorney, and the schools need to meet to discuss how to be more collaborative in their efforts to maximize resources, manpower, and their impact which will only benefit the youth in Merrick County more.
4. Time restraints, on Merrick County's part time County Attorney, requires that liaison efforts be continued. More face-to-face time spent in the communities and schools throughout the county should be a scheduled priority.